

LOWER PAXTON TOWNSHIP
BOARD OF SUPERVISORS

Minutes of Board Meeting held July 17, 2007

A business meeting of the Board of Supervisors of Lower Paxton Township was called to order at 7:32 p.m. by Chairman William B. Hawk on the above date in the Lower Paxton Township Municipal Center, 425 Prince Street, Harrisburg, Pennsylvania.

Supervisors present in addition to Mr. Hawk were: William C. Seeds, Sr., William L. Hornung, Gary A. Crissman, and David B. Blain.

Also in attendance were George Wolfe, Township Manager; Steven Stine, Township Solicitor; Dianne Moran, Planning and Zoning Officer, Jim Snyder, HRG, Inc., Township Engineer; Mark DiSanto, Triple Crown Corporation; Tom Skully, R. J. Fisher; Tim Wakefield, Act One Consultants, Inc.; Mike Mazzaccaro; Ken Laird; and Dave Weihbrecht, Alpha Consulting Engineers, Inc.

Pledge of Allegiance

Mr. Crissman led in the recitation of the Pledge of Allegiance.

Approval of Minutes

Mr. Crissman made a motion to approve the minutes from the June 19, 2007 business meeting. Mr. Blain seconded the motion, and the motion was approved unanimously.

Public Comment

No public comment was presented.

Chairman & Board Members' Comments

None was presented.

Manager's Report

Mr. Wolfe announced that National Night Out for Public Safety will be held on Tuesday, August 7, 2007, at Koons Park, starting at 6 p.m. and lasting until 8:30 p.m. He noted that free

food and drinks will be served and entertainment will be provided for the entire family. He noted that the Board of Supervisors will be in attendance until they leave to attend the business meeting.

Mr. Wolfe noted that the Police Department is conducting its 2nd Annual Citizens' Police Academy for Youth with approximately 18 attendees from the age of 13 to 15. He noted that the classes are held Monday through Friday from 9 a.m. to 3 p.m. in the Police Department. He explained that the students will learn about police operations, were selected from a list of approximately 30 applicants. He noted that other individuals associated with the Criminal Justice System are also involved in the academy.

Mr. Wolfe noted that the Linglestown Town Square project acquisition of property is on the agenda for tonight's meeting. He explained that the entire project is part of the adopted Village of Linglestown Action Plan which is available on the Township's website. He noted that the Action Plan that was prepared, by a citizen's committee, was adopted by the Board of Supervisors in the year 2003. He noted that the Board of Supervisors have implemented the Action Plan, and the project is in the final stage of engineering design for the project that includes acquisition of public property for the plan. He noted that this will involved nearly 100 properties, and the first 70 of those will be included in a Resolution on the agenda for tonight's meeting. He noted that most of these right-of-ways will include strip taking and construction easements.

Mr. Wolfe noted that the new website not only contains the Linglestown Plan, but includes the Township's Comprehensive Plan, the Township's Codified Ordinances, and numerous other pieces of information regarding the Township.

Mr. Wolfe noted that the entire Village of Linglestown Action Plan is on the website. He noted that the plan makes recommendations for transportation improvements, but also improvements for the Village as well. He noted that Resolution for adoption tonight is part of the

transportation element of the Action Plan. He explained that these improvements will be made for Linglestown Road between Pennsylvania Avenue and Balthaser Street, as well as improvements to the Square area, Blue Mountain Parkway and Mountain Road.

Mr. Wolfe noted that it is the Township's intent to authorize bids later this year with construction for improvements in the Village to begin next year. He noted that it is expected to take two full construction seasons to complete the work. .

OLD BUSINESS

Ordinance 07-04; rezoning parcels addressed as 4141, 4151, and 4153 Linglestown Road from Business Campus (BC) to Commercial Neighborhood (CN)

Ms. Moran noted that the Township has proposed an amendment to the Township's Zoning Map for 4141 Linglestown Road consisting of four acres, 4151 Linglestown Road, consisting of 1.03 acres, and 4153 Linglestown Road consisting of 0.89 acres from Business Campus (BC) District to the Commercial Neighborhood (CN) District. The parcels are located south of Linglestown Road and west of Colonial Road.

Ms. Moran noted that the Planning Commission and Board of Supervisors have discussed this proposal, and are in agreement to change the zoning of this property to the CN District.

Ms. Moran noted that staff's review comments are as follows: 1) As with all rezoning, it is important to review the zoning of the surrounding area to ensure compatibility of land uses. The property is abutted to the south by the R-2 District, and to the east by the CN District, and the area across Linglestown Road to the north is zoned BC District; 2) The 2004 Comprehensive Plan's Future Land Use Map shows the area to be BC; 3) The three parcels are currently developed as retail-oriented commercial properties and are compatible with the CN District; and 4) Staff recommends that the zoning of the property be changed to the CN District.

Ms. Moran noted that the Dauphin County Planning Commission reviewed this matter on June 4, 2007 and recommends approval of the proposed amendment. She noted that the Lower

Paxton Township Planning Commission reviewed the matter on June 13, 2007, and recommends approval of the proposed amendment

Ms. Moran noted that a public notice appeared in The Patriot News on July 2, 2007 and July 9, 2007, indicating that the Board would conduct a public hearing and consider the enactment of Ordinance 07-04 on July 17, 2007. She noted that on July 14, 2007, the Township mailed notices to property owners surrounding the area of the proposed zoning, and on July 10, 2007, notices were posted on the parcel being considered for rezoning.

Ms. Moran noted that a copy of the Dauphin County Planning Commission's memo is attached to the packet dated June 4, 2007, and Mr. Ron Lucas is present to represent one of the property owners.

Mr. Stine noted that this is the time and date set for conducting the public hearing on Ordinance 2007-04 which would rezone parcels addressed as 4141, 4151, and 4153 Linglestown Road from Business Campus to Commercial Neighborhood.

Mr. Stine questioned if the applicant was present. No one responded.

Mr. Stine questioned if anyone wished to make comment regarding the rezoning.

A question was asked as to what businesses are located on those properties at this time. Mr. Blain noted that Sports City Complex, a car wash and pizza store are currently located on these parcels.

Mr. Ron Lucas explained that he was present to represent Vanguard Reality, the owner of the property at 4141 Linglestown Road that houses Sports City. He noted that there is no applicant as this rezoning was initiated by the Township. He noted that this rezoning was discussed in 2006 when the new ordinance was adopted and it was inadvertently left out when the other properties were rezoned from BC to CN at that time. He noted that the discussion and intent was to include it with the original rezoning. He noted that when the oversight was

discovered, Township staff brought it to the attention of the Planning Commission and the Board of Supervisors. He noted that all the current uses are Neighborhood Commercial type uses.

Mr. Stine questioned if anyone else wished to be heard on Ordinance 2007-04. He noted that since there was no further response, he explained that it would be in order to close the public hearing on Ordinance 2007-04, and the Board may take action if it so desires.

Mr. Crissman made a motion to approve Ordinance 2007-04; rezoning parcels addressed as 4141, 4151, and 4153 Linglestown Road from Business Campus to Commercial Neighborhood District. Mr. Blain seconded the motion, and Mr. Hawk called for a roll call vote: Mr. Blain, aye; Mr. Crissman, aye; Mr. Hornung, aye, Mr. Seeds, aye; and Mr. Hawk, aye.

Resolution 07-31 (Nos. 2; 8; 12 to 15; 19 to 32; 34 to 38; 40 to 43; 46; 47; 50; 51; 53 to 77; 79 to 83; 85 to 93; 95); providing for the acquisition of areas for required right-of-way, temporary construction easements, drainage easements, and /or slope easements from properties referenced on the Drawings Authorizing Acquisition of Right-of-Way for State Route 0039 to implement the Linglestown Square Project

Mr. Hawk explained that Resolution 07-31 provides for the acquisition of multiple properties providing for the acquisition of areas requiring right-of-way for temporary construction for the Village of Linglestown Square area.

Mr. Wolfe explained that the preparation of this resolution involved the Township's Solicitor, and the Township's special legal counsel, Mark Silver, for the right-of-way for this project. He noted that the Resolution is in part, to implement the Village of Linglestown Action Plan and the Linglestown Square project. He noted that this provides for public transportation improvements on Linglestown Road from approximately Pennsylvania Avenue through to Margaret Avenue to include Mountain Road and Blue Mountain Parkway.

Mr. Wolfe noted to implement the project, the acquisition of public right-of-way for permanent road right-of-way, storm sewer easement, temporary construction easement, and slope easement is necessary. He noted that this resolution provides for the acquisition of all those types

of easements and right-of-ways from the affected properties. He noted that the Resolution permits the Township to negotiate with the affected property owners, and if negotiations cannot commence and be completed amicably, that the Township does have the right to proceed through to condemnation of the property necessary for the implementation of the roadway improvement project.

Mr. Wolfe noted that each resolution is indexed to the Right-of-Way Plan for the Linglestown Square project that was approved by the Board of Supervisors on April 19, 2007. He noted that the Right-of-Way Plan was submitted to and approved by PENNDOT. He explained that the resolution numbers are subsets of Resolution 07-31, and the number corresponding to the resolution also corresponds to the parcel number for acquisition on the Right-of-Way Plan. He noted that the resolutions do not specifically fall in chronological order since some properties are indicated on the plan but do not require acquisition.

Mr. Wolfe noted that the Resolution is complete for Board action; however, there will be an additional set of eight to ten resolutions in similar format for action to be taken at a future date and time. He noted that these parcels have more technical issues and will be listed on the agenda for an August meeting.

Mr. Crissman made a motion to approve Resolutions 2007- 31 Nos. 2; 8; 12 to 15; 19 to 32; 34 to 38; 40 to 43; 46; 47; 50; 51; 53 to 71; 73 to 77; 79 to 83; 85 to 93; and 95; providing for the acquisition of areas for required rights-of-way; temporary construction easements, drainage easements, and /or slope easements from properties referenced on the Drawings Authorizing Acquisition of Right-of-Way for State Route 0039 to implement the Linglestown Square Project. Mr. Blain seconded the motion, and Mr. Hawk called for a roll call vote: Mr. Blain, aye; Mr. Crissman, aye; Mr. Hornung, aye, Mr. Seeds, aye; and Mr. Hawk, aye.

NEW BUSINESS

Final subdivision plan for Stray Winds Farm, Phase I

Ms. Moran explained that Phase I involves 30.84 acres of land south of McIntosh Road and east of Crums Mill Road. The tract is zoned R-C Residential Cluster. This phase proposes 90 dwellings units; 32 single family detached (lots #47-53, #58-75 and #87-92), 47 single family detached condominiums and 11 single family attached (townhouses). The lots will be served by public sewer and public water.

Ms. Moran noted that the Preliminary Subdivision and Land Development Plan 06-42 for Stray Winds Farm was approved by the Lower Paxton Township Board of Supervisors on May 14, 2007. Ms. Moran noted that the following waivers were requested and approved with the preliminary plan: 1) Waiver of the requirement to provide sidewalk and curbing and road widening along existing streets; 2) Waiver of the requirement to provide vertical curb; 3) Waiver of the requirement with regard to the method of calculating stormwater management runoff in watershed analysis; 4) Requirement to provide low flow channels and underdrain; 5) Waiver of the requirement to provide a Type C inlet hood of 10" height; 6) Waiver of planting islands within a cul-de-sac turnaround; 7) Waiver of the requirement to provide typical street cross-section design; 8) Waiver of the street grade requirement; 9) Waiver of the minimum distance between street intersections; 10) Waiver of the requirement to provide base flood elevations; and 11) Waiver of the 200' minimum sight distance requirement in sag vertical curves along private access drives specifically on Secretariat Street.

Ms. Moran noted that staff comments, Dauphin County Planning Commission comments, and HRG, Inc comments are included in the packet.

Ms. Moran noted that Mr. Tom Skully, from R. J. Fisher and Mr. Mark DiSanto, Triple Crown Corporation are present to represent the plan.

Mr. Wolfe displayed the Phase I plan on the monitor, and noted that the overall plan for development received preliminary approval. He noted that there will be additional phases to come in the future.

Mr. Crissman questioned Ms. Moran if the eleven waivers were already approved with the preliminary plan approval and therefore, do not need to be approved at this meeting, noting that the only approvals needed at this time are for the one site specific comment, nine general conditions, and three staff comments. Ms. Moran answered that that was correct.

Mr. DiSanto noted that all comments by staff and the Township engineer are acceptable to him as conditions for the final plan approval. He noted that Mr. Pleasants is present at the meeting, and he explained that he has met with him and they have come to a final agreement, noting that the actual final document will be worked through over the next two weeks.

Mr. Crissman questioned Mr. DiSanto if he was in agreement to the one site specific condition. Mr. DiSanto answered yes.

Mr. Crissman noted that there are nine general conditions, to include HRG's comments dated July 13, 2007 with seven comments, and he questioned if Mr. DiSanto was in agreement with these conditions. Mr. DiSanto answered yes.

Mr. Crissman questioned Mr. DiSanto if he was in agreement to the three staff comments. Mr. DiSanto answered yes.

Mr. Wolfe noted that in regard to General Condition Eight, there should be a reference to the specific memorandum from the Parks and Recreation Board which details the agreement for the recreation area. He noted that this memorandum, dated June 14, 2007, was received by the Board members at its past workshop meeting. Mr. Crissman questioned Mr. DiSanto if he was in agreement with the memorandum. Mr. DiSanto answered that he was.

Mr. Crissman made a motion to approve the final subdivision plan for Stray Winds Farm, Phase I noting that the eleven waivers have already been pre-approved, with the following

conditions and comments: 1) All conditions of the preliminary plan shall be complied with; 2) Plan approval shall be subject to providing original seals and signatures; 3) Plan approval shall be subject to the payment of the engineering review fees; 4) Plan approval shall be subject to the establishment of an automatically renewable improvement guarantee for the proposed site improvements; 5) Plan approval shall be subject to the Dauphin County Conservation District's review of the Erosion and Sedimentation Control Plan; 6) Plan approval shall be subject to DEP's approval of a sewage facilities planning module; 7) Plan approval shall be subject to Lower Paxton Township Sewer Department's review and approval of the sanitary sewer design; 8) Plan approval shall be subject to addressing all comments of Jim Snyder, HRG, Inc. dated July 13, 2007; 9) Final plan approval shall be subject to payment of fee-in-lieu of 90 units @ \$793.08 each (\$71,377.20) in accordance with the agreement made with Lower Paxton Township Parks and Recreation Department; 10) Plan approval shall be subject to the recommendations made by the Parks and Recreation Board dated June 14, 2007; 11) Plan approval shall be subject to the owner's agreement that construction of the park and facilities shall take place during the first phase of development; 12) When submitting revised plans respond in writing to all comments of staff, Dauphin County, and township engineer; 13) A street/storm sewer construction permit is required for the project; and 14) All signage, including construction signs, must meet the requirement of Article 7 of the Lower Paxton Township Zoning Ordinance. Mr. Blain seconded the motion, and Mr. Hawk called for a roll call vote: Mr. Blain, aye; Mr. Crissman, aye; Mr. Hornung, aye, Mr. Seeds, aye; and Mr. Hawk, aye.

Preliminary/final subdivision plan for Charleston Riding

Ms. Moran noted that the Township has received a plan that encompasses 19.08 acres and is located at 6500 Union Deposit Road west of Copperstone Road. The purpose of this plan is to create seventeen new single family residential detached building lots. The minimum lot size proposed is 20,000 square feet. The open space area of the plan includes 7.63 acres.

Ms. Moran noted on April 17, 2007 the Lower Paxton Township Board of Supervisors approved the preliminary/final subdivision lot consolidation plan for Lawrence Conjar (#06-47) for this property.

Ms. Moran noted that on May 29, 2007 the Lower Paxton Township Board of Supervisors approved the application to amend the Township's Zoning Map for the "Conjar" property from AR, Agricultural Residential, to an Open Space Overlay District by Ordinance 07-02.

Ms. Moran noted that on June 13, 2007 the Planning Commission recommended approval of the plan.

Ms. Moran noted that staff comments, HRG, Inc. comments, and Dauphin County Planning Commission comments are included in the packet.

Ms. Moran noted that Mr. Wakefield, Act One Consultants, Inc., and Mr. Mazzaccaro are present to represent the plan.

Mr. Crissman questioned if there was a deliberate lack of response to the first waiver request from staff. Ms. Moran noted that she intentionally leaves this waiver open for the Board members to base their decision. Mr. Hornung questioned if the sidewalk is to be located on one side of the road only. Ms. Moran answered that that was correct. Mr. Hornung noted that the waiver request would be for only half of the sidewalk.

Mr. Hornung noted that the centerline radius was dropped to 150 feet and he questioned if school buses and emergency apparatus can negotiate this. He noted that a reduction from 275 feet to 150 feet is a large amount. Mr. Wakefield noted that the 150 foot radius was designed for grading purposes as there are environmental issues in the area. Mr. Hornung questioned Mr. Wakefield if he has certified that emergency apparatus and school buses can negotiate the roadway. Mr. Wakefield questioned what the radius would be for that. He noted that from his experience you can negotiate rather large fire trucks in that area. Mr. Hornung questioned if a

school bus could negotiate the roadway without crossing over the centerline. Mr. Wakefield noted that using his templates he could negotiate the roadway without crossing the center line. Mr. Hornung noted that emergency apparatus would have emergency lighting activated, but a school bus going through the radius would not have that type of alert to oncoming traffic. Mr. Hornung questioned Mr. Wakefield if he could guarantee him that he could drive a school bus through the roadway without going over the centerline. Mr. Wakefield noted that he never guarantees to that extent; however, he would say that there is a high probability that it will not be a problem. Mr. Hornung questioned what would be done if there is a problem. Mr. Wakefield stated that he did not envision a school bus having problems in that area. Mr. Hornung questioned Mr. Wakefield, yes or no, if a school bus could drive through the area without going over the centerline. Mr. Wakefield answered if parking was permitted on one side of the road, the school bus would probably go over the centerline. He noted that the road has a 34-foot cartway, and if a vehicle was parked across the street, parallel with the curb, that would reduce the lane from 17 feet to nine feet and the school bus would ride the centerline.

Mr. Hornung questioned if that area could be designated as a no parking area. Mr. Wakefield answered that he could do that. Mr. Hornung noted that as long as that is done, he would have no problem with granting that waiver.

Mr. Seeds questioned if there would be signage for no parking on one side of the road. Mr. Wakefield noted that there is a 34 foot cartway, with sidewalks on the west side using vertical curb. Mr. Seeds questioned if he would need a waiver for vertical curb. Mr. Wolfe answered that he would only need a waiver for slant curb.

Mr. Crissman noted that he did not hear the condition that Mr. Hornung requested to be included. Mr. Hornung answered that there would be no parking along the one side of the street that would permit a school bus to drive through the radius without crossing the centerline. Mr. Crissman questioned if it mattered which side of the road this restriction would be for. Mr.

Hornung noted that to make this work, it would be needed for both sides of the street. Mr. Crissman noted that this restriction should not be based on bus routes as they could change from year to year. Mr. Wakefield agreed that no parking should be posted for both sides of the street as the bus route would be unknown. He noted that the entire street could be posted for the west side for no parking. Mr. Hornung noted that the sidewalk is to be located on the west side. Mr. Crissman noted that there may be numerous locations for school bus stops along the street to make arrangements for special needs children. Mr. Hornung noted that he would not want to permit a situation that would force a school bus to cross over the centerline and become involved in an accident. Mr. Hornung noted that no parking would be permitted on the entire length of the west side of the road, and in the bend of the road, no parking would be permitted on both sides.

Mr. Mazzaccaro questioned what area the Board members were talking about. Mr. Hornung noted that it is the area in the bend of the road. Mr. Mazzaccaro agreed that there should be no parking on both sides of the road for that area. Mr. Crissman requested a point of reference for this location. Mr. Wakefield noted that it would be from the southern side of Lot Two to the northern line of Lot Three.

Mr. Seeds questioned if the reason for the waiver request for the centerline was due to topography. Mr. Hornung answered yes. Mr. Wakefield noted that there are wetlands in the area.

Mr. Seeds questioned how much parking would be provided for each home. Mr. Wakefield noted that each home would have a two-car garage, with plenty of driveway to the units. Mr. Seeds suggested, if parking would be limited to one side, it would be more reasonable to have it on the side of the sidewalk. Mr. Hawk noted that there would be no parking allowed in the area from the southern side of Lot Two to the northern line of Lot Three, and for the rest of the roadway, parking would be permitted on both sides.

Mr. Crissman questioned Mr. Wakefield if he was in support of the four waivers. Mr. Wakefield answered yes. Mr. Crissman noted that there are 12 general conditions, noting that

condition ten states that plan approval shall be subject to addressing all 28 comments of HRG, Inc. dated July 13, 2007. He questioned Mr. Wakefield if he was in agreement with Mr. Snyder's comments. Mr. Wakefield noted that he is in agreement with the comments with the exception of two. He noted that he has a problem with comment 16. Mr. Crissman noted that the sanitary sewer connections appear to require an easement from the adjacent Fritz property, and an easement agreement should be submitted. Mr. Wakefield noted that he does not need the easement as all the work is coming across the park, north of that property line. Mr. Crissman questioned if Mr. Wakefield had an opportunity to discuss this with staff prior to the meeting. Mr. Wakefield noted that he did not as he only received the document today.

Mr. Crissman questioned Mr. Wakefield what other item presented a problem for him. Mr. Wakefield answered that number 19 is a problem, noting the requirement for a grading easement on the Demoranville property for construction of the radius return and the sidewalk. He noted that there is no work to be done on that property and it would not need an easement.

Mr. Crissman questioned Mr. Snyder why Mr. Wakefield did not have an opportunity to review the comments prior to the meeting in order to be prepared to respond to them. Mr. Snyder answered that he could not speak to this as he did not know when Mr. Wakefield received the information. Mr. Crissman noted that he did not get his copy of the letter until this evening, and normally he would have received the information on Friday. Mr. Snyder noted that this memo did not go out until Monday, and missed the packet. Mr. Crissman noted that it was received at the office on the 17th, which is today's date. Mr. Wakefield noted that he received his copy this date also. Mr. Crissman noted that he had a concern that this was Mr. Wakefield's first opportunity to see it and he was only receiving his copy prior to the start of the meeting and it could delay the process for approval. He questioned Mr. Snyder why the Township did not receive the letter on Friday when it was due. Mr. Snyder answered that all the memos go out on Friday, but this memo did not go out on Friday and it was sent to the Township on Monday. Mr.

Crissman suggested that further discussion should be held between the Board members and Mr. Snyder regarding this issue at another time. He noted that the materials need to be delivered to the Township on Friday in order to go out with the packets of information. He noted that it is unfair to have the applicant respond to the comments without having time to review the comments prior to the meeting.

Mr. Crissman noted that two issues between the applicant and staff need to be resolved prior to approving the plan, and further, it is not fair to the applicant, since he only received the information today.

Mr. Hornung suggested that the plan could be approved based upon a resolution of the two comments. He noted if the comments are not resolved, then the applicant would not receive approval for the subdivision plan. Mr. Crissman noted that it could be done this way, but historically, the conditions are met and agreed upon prior to the approval. He noted that in most cases, the applicant agrees to the conditions of the plan and it is ready for approval. He noted that he would not mind making the motion, but further discussion is needed with staff regarding these two issues.

Mr. Hawk noted that comment 16 appears to require an easement. Mr. Blain questioned Mr. Snyder if there were any comments, in his estimation, that are significant enough to slow down the approval of the land development plan that need to be addressed directly with the developer prior to the approval of the plan. Mr. Snyder noted if the Board's action is taken subject to the comments, then his answer would be no. Mr. Blain suggested that there is nothing found in the comments that would stop the process. Mr. Snyder noted that there is nothing that would materially change the plan, but he noted that he felt that some of the grade easements are necessary, and he disagrees with the applicant. He suggested that he needs to look at more information relative to the sewer connection, and there is an issue regarding what the slope of the right-of-way will be, therefore grading may require some easements off the property. He noted

that for comment 19, the way that the sidewalks are presently designed would require an easement on that corner of the Demoranville property. He noted that, to the extent that the developer can address these issues, he would be okay with the approval as a condition of the plan. Mr. Crissman noted that he would include in his motion that these two comments are subject to mutual resolution.

Mr. Crissman explained that he would add General Condition 11 to state that no parking is permitted on both sides of the street from southern line of Lot 2 and the northern line of Lot 3, and General Condition 12 will state that sidewalks will be provided on the west side of the road. Mr. Hornung noted that the waiver could be changed to waiving the sidewalk only on one side of the road. Mr. Crissman responded that he thought that the Board had to waive what was provided. Mr. Hornung noted that the Board can change a waiver. Mr. Seeds noted that the Township could waive the requirement of sidewalks only on the west side of Buckingham Road. Mr. Hornung explained that General Conditions are less stringent than a waiver. Mr. Crissman suggested that a waiver waives the rules and regulations of the Township. Mr. Hornung noted that the Board can alter a waiver.

Mr. Seeds questioned if the Township has an agreement for the sewer easements across the park and the agreement for the additional parking, the lighting of the pavilion, and the funds. Mr. Wakefield answered that that is already in place.

Mr. Crissman moved to approve the preliminary/subdivision plan for Charleston Riding with the following waivers, comments, and conditions: 1) Requirement to provide sidewalk; sidewalk will be provided on the west side of the road only ; 2) Requirement of centerline radius to allow a decrease; 3) Requirement of the street separation requirement for a minor street; 4) Requirement of typical driveway cross section; 5) Plan approval shall be subject to providing original seals and signatures; 6) Plan approval shall be subject to the payment of engineering review fees; 7) Plan approval shall be subject to the establishment of an automatically renewable

improvement guarantee for the proposed site improvements; 8) Plan approval shall be subject to the Dauphin County Conservation District's review of the Erosion and Sedimentation Control Plan; 9) Plan approval shall be subject to Lower Paxton Township Sewer Department's review and approval of the sanitary sewer design; 10) Pursuant to Section 420 of the Act of June 1, 1945 (P.L. 1242 No. 428) known as the State Highway Law, a Highway Occupancy Permit is required for all construction within PENNDOT right of way; 11) Plan approval shall be conditioned upon amendment to the Act 537 Plan to provide public sewer to this area; 12) Plan approval shall be subject to the payment of \$2,300 per lot for recreation fee-in-lieu payment for 17 residential lots. Payment shall be made prior to recording of the plan; 13) Plan approval shall be subject to DEP's approval of a sewage facilities planning module; 14) Plan approval shall be subject to addressing all comments of HRG, Inc. dated July 13, 2007 subject to mutual resolution between staff and the applicant; 15) No parking is permitted on both sides of the street between southern line of Lot 2 and the northern line of Lot 3; 16) Sidewalk will be provided on the west side of the road only; 17) A street/storm sewer construction permit is required for construction of street and storm water facilities; and 18) When submitting revised plans, please respond in writing to all individual comments including Township, HRG, Inc. and Dauphin County. Mr. Hornung seconded the motion, and Mr. Hawk called for a roll call vote: Mr. Blain, aye; Mr. Crissman, aye; Mr. Hornung, aye; Mr. Seeds, aye; and Mr. Hawk, aye.

Mr. Wakefield noted that he needs a resolution to have this publicly sewered to send in a planning module. Mr. Wolfe noted that Mr. Weaver is aware of this and is working on an amendment to the Act 537 Plan.

Preliminary/final land development plan for Allentown Boulevard Storage

Ms. Moran noted that this plan is a revised land development plan that will supersede previously approved and recorded plans for this property. This plan revises the number of stories

of building one. The plan proposes a three-story, 17,400 square foot building for building one located south of the carwash. This property is located east of Blue Ribbon Avenue along Allentown Boulevard and is served by an on-lot well and public sewer. The property is zoned Light Industrial and contains 8.2 acres.

Ms. Moran noted that on June 7, 2005, the Lower Paxton Township Board of Supervisors approved the original Allentown Boulevard Storage plan. On April 4, 2006 the Board of Supervisors approved a revised plan that proposed a two-bay automatic carwash in the northwest corner of the property.

Ms. Moran noted that on June 13, 2007 the Lower Paxton Township Planning Commission recommended approval of the plan.

Ms. Moran noted that staff and Dauphin County comments are included in the Board's packet. She noted that Mr. Ken Laird and Dave Weihbrecht, from Alpha Consulting Engineers, Inc., are present to represent the plan.

Mr. Weihbrecht noted that he has no objections to the conditions listed. He noted that he would not need planning module approval since the storage buildings don't generate sewer and they already have planning module approval from the previous plan that introduced the carwash.

Mr. Crissman noted that since the applicant is in agreement to the conditions and staff comments, he moved to approve the revised preliminary/final land development plan for 2007-11, for Allentown Boulevard Storage with the following waivers, conditions, and comments: 1) Waiver of the preliminary plan requirement; 2) Plan approval shall be subject to providing original seals and signatures on the plan; 3) Plan approval shall be subject to the establishment of an automatically renewable improvement guarantee for the proposed site improvements; 4) Plan approval shall be subject to the payment of the engineering review fees; 5) Plan approval shall be subject to Lower Paxton Township Sewer Department's review and approval; 6) Plan approval shall be subject to planning module approval; and 7) Please respond in writing to all comments

of staff, county and township engineer. Mr. Blain seconded the motion, and Mr. Hawk called for a roll call vote: Mr. Blain, aye; Mr. Crissman, aye; Mr. Hornung, aye; Mr. Seeds, aye; and Mr. Hawk, aye.

Preliminary/final land development plan for TNP Carwash

Ms. Moran noted that the Township has received a plan for the construction of a carwash at the corner of Peifers Lane and Briarsdale Road. The property is Lot #2 of the preliminary/final subdivision plan for Members 1st Federal Credit Union. The property consists of approximately 2 acres, is zoned Commercial General and will be served by public sewer and public water.

Ms. Moran noted that on June 13, 2007 the Planning Commission recommended approval of the plan.

Ms. Moran noted that Mr. Dave Weihbrecht is present to represent the plan.

Mr. Weihbrecht noted that all the conditions are based on outside agency approvals and administrative items. He noted that he has no objections to the comments and conditions. He explained that for the second waiver request concerning Benchmark Datum, when the property was surveyed, they tied into the benchmark that was established for the subdivision plan that created the Members First Lot. He noted that the Township Ordinance requires that it be a USGS Benchmark and the previous subdivision was not. He noted that he spoke to HRG, Inc. and was told that they would have no problem with that as long as he provided a reference on the plan that says if you add such-and-such feet you will not be tied into USGS which is on sheet two of the application. He noted that it is a technicality, so that is why he is requesting the waiver, knowing that the correction is found on sheet two of the plan.

Mr. Crissman noted that Mr. Weihbrecht stated that he was in agreement to the seven general conditions, but he questioned if Mr. Weihbrecht was in agreement with the eight comments provided by Mr. Snyder. Mr. Weihbrecht answered that he was in agreement to the

eight comments. Mr. Crissman noted that Mr. Weihbrecht stated that he was in agreement to the three staff comments.

Mr. Crissman made a motion to approve the Preliminary/Final Land Development Plan 2007-02 for TNP Carwash with the following waivers, comments and conditions: 1) Waiver for the Preliminary Plan Submission; 2) Waiver of the Benchmark Datum; 3) Approval shall be subject to providing original seals and signatures; 4) Approval shall be subject to the payment of engineering review fees; 5) Approval shall be subject to the establishment of an automatically renewable improvement guarantee for the proposed site improvements; 6) Approval shall be subject to the Dauphin County Conservation District's review of the Erosion and Sedimentation Control Plan; 7) Approval shall be subject to DEP's approval of a sewage facilities planning module; 8) Approval shall be subject to Lower Paxton Township Sewer Department's review and approval of the sanitary sewer design; 9) Approval shall be subject to addressing all eight comments of HRG, Inc. dated July 13, 2007; 10) A street/storm sewer construction permit is required for construction of street and storm water facilities; 11) All signage must meet the requirements of the Lower Paxton Township Zoning Ordinance; and 12) When submitting revised plans respond in writing to all comments of staff, Dauphin County and township engineer. Mr. Blain seconded the motion, and a roll call vote followed: Mr. Blain, aye; Mr. Crissman, aye; Mr. Hornung, aye; Mr. Seeds, aye; and Mr. Hawk, aye.

IMPROVEMENT GUARANTEES

Mr. Hawk noted that there was one improvement guarantee for consideration.

Kendale Oaks, Phase I

A reduction in a bond with Hartford Fire Insurance Company in the amount of \$18,395.85 with an expiration date of June 25, 2008.

Mr. Crissman made a motion to approve the one listed improvement guarantee. Mr. Hornung seconded the motion, and a unanimous vote followed.

Payment of Bills

Mr. Seeds made a motion to pay the bills of Lower Paxton Township and Lower Paxton Township Authority. Mr. Blain seconded the motion, and a unanimous vote followed.

Announcements

Mr. Hawk noted that the National Night Out for Public Safety will be held on Tuesday, August 7, 2007 at 6 p.m. at Koons Park.

Adjournment

There being no further business, Mr. Crissman made a motion to adjourn the meeting. Mr. Hornung seconded the motion, and the meeting adjourned at 8: 40 p.m.

Respectfully submitted,

Maureen Heberle

Approved by,

Gary A. Crissman
Township Secretary